

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67529 of 2023

Arising Out of PS. Case No.-267 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

1. Banka Chauhan Son Of Late Shiv Ratan Chauhan @SHIVRATAN Mahto
Resident Of Village- Kuchaikote, P.S- Kuchaikote, District- Gopalganj
2. Gaya Chauhan @ Dyanidhi Chauhan Son Of Banka Chauhan Resident Of
Village- Kuchaikote, P.S- Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Ms. Sharda Kumari. APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-11-2023 Heard Mr. Javed Aslam, learned counsel appearing on
behalf of the petitioners and learned Additional Public
Prosecutor for the State.

2. The petitioners apprehending their arrest in
connection with Kuchaikote P.S. Case No. 267 of 2023,
registered for the offences punishable under Sections 341, 323,
324, 326, 307 & 504/34 of the Indian Penal Code.

3. After some arguments, learned counsel for the
petitioners seeks permission to withdraw the bail application of
petitioner no. 2, namely, Gaya Chauhan @ Dyanidhi Chauhan.

4. The permission is accorded.

5. The present bail application is only concerned with



petitioner no. 1, namely, Banka Chauhan.

6. Allegedly all the accused persons armed with lathi, knife and iron rod came there and started abusing the informant and others. It is specifically alleged that co-accused Gaya Chauhan assaulted one Arvind Chauhan by means of iron rod over his head, due to which he sustained grievous injury. Further allegation has been levelled against all the accused persons including the petitioner of assault with lathi, knife and iron rod.

7. Learned counsel appearing on behalf of the petitioner no. 1 submits that there is a case and counter case with regard to the same occurrence being complaint case no. 1236 of 2023 filed by petitioner no. 1 (Banka Chauhan) against the present informant and others. He further submits that so far the specific allegation of assault is concerned, the same has been attributed against petitioner no. 2 (Gaya Chauhan). So far the petitioner no. 1 is concerned, no allegation of any overt act has been levelled. He next submits that in fact on account of some dispute, a free fight has taken place resulting into injuries to persons of both the sides and moreover, there was no pre-meditation at the side of the petitioners, thus no case under Section 307 and 326 is made out, at least against the petitioner no. 1. He lastly submits that petitioner no. 1 is a man of fair



antecedent.

8. On the other hand, learned counsel for the State opposes the bail application.

9. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the case and counter case, apart from delay in lodging of the F.I.R., coupled with the fair antecedent of the petitioner no. 1, let the petitioner no. 1 abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of A.C.J.M-I, Gopalganj in connection with Kuchaikote P.S. Case No. 267 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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